

**Town of Cape Elizabeth
Ordinance Committee Minutes**

March 23, 2017

1:00 p.m.

Town Hall

Present: Patty Grennon, Chair
 Caitlin Jordan
 Kathy Ray

Staff: Maureen O'Meara, Town Planner

Councilor Grennon called the meeting to order. The minutes of the February 16, 2016 meeting were approved.

Public Comment

Ed Nadeau, 9 Apple Tree Ln - He reviewed the draft changes, and had some problems accessing one of the online documents. Some of the changes seem appropriate but he has concerns with the details. What is the process to make these changes? He is concerned with a change to the accidental discharge rule, the 3 year license. He does not think the town police department should have a free membership with the gun club.

Chief Williams was recognized and stated he did know about any free membership.

Eric Stephanus, 2 Tiger Lily Ln - He was surprised when he viewed the revisions because it looks like more than tweaks. He would like to know about the process. He understands that the Firing Range Committee will be replaced by the Town Council. Who set the direction for the revisions? Who drafted the revisions? He wants the committee to keep in mind the importance of safety and the LaRosa presentation.

Rich Moran, 62 Cross Hill Rd - He asks why there are 2 versions of the revisions online? Was the gun club involved in the rewrite of the document? Why not include the neighbors?

Tammy Walter, President, Spurwink Rod and Gun Club - She stated the club offered membership to the police department as other clubs do the same. It seemed a good way for the police to keep an eye on safety. No one has accepted the offer and even one officer would be ok. She encourages the committee to keep LD 1500 in mind.

Mark Mayone, Spurwink Rod and Gun Club - He would support eliminating the need to return and renew the license. He does not think there needs to be re-inspections on a regular schedule because heavy materials have been installed at the club that do not

move. He noted that homeowners do not have to get a certificate of occupancy every year.

Cathy Kline, 66 Cross Hill Rd - She was a member of the Firing Range Committee and cautions that amendments should keep safety in mind. LD 1500 is a legal question. She wants to continue to mandate that no bullets leave the property. The 25 yd range is good, but there are changes needed to the other ranges.

Chief Williams stated that he will not accept a range membership, due to concerns with a conflict of interest. His officers use a gun range in Scarborough and qualify twice a year. An off-duty officer could be a club member. He suggests deleting accidental discharge from the surface danger zone definition because a bullet will leave the property if a weapon is held straight up outside a shooting station and accidentally discharges. He also does not want a requirement that the town notify the gun club when their license expires. He suggests that "new firearms" be treated as new calibers rather than a list of individual weapons. He also suggests that 3 copies of the application be provided to him.

Shooting Range Ordinance

Councilor Grennon asked Ms. O'Meara for a presentation. Ms. O'Meara addressed some of the public questions. The process is preparation of amendments by the Ordinance Committee, which will then be sent to the Town Council. Comments regarding the current ordinance were requested from the Police Chief, the Code Enforcement Officer and the Spurwink Rod and Gun Club, because they had a unique perspective working with the ordinance as an applicant. Comments were received and are available for anyone to review in the town office. Just because comments were provided, that does not mean the recommendations from the gun club, the Police Chief or the Code Enforcement Officer will be incorporated into the amendments. The ordinance review is needed because no one applied to be on the Firing Range Committee, and the Town Council will take over that function, with staff support. At the same time, some organizational clean-up is proposed to make the ordinance more understandable and predictable for town staff, the Town Council, applicants and the public. There are two versions online because the version of the current ordinance with all the changes added and deleted can be hard to read, so a second version that shows all those changes "saved" has been posted for readability. The gun club offered a membership at the last meeting, which was politely declined.

Ms. O'Meara began with a review of the ordinance changes, using the "saved changes" version. Under definitions, the committee discussed the definition of "Surface Danger Zone" in light of Chief Williams comments regarding accidental discharge. It was agreed that it is impossible to predict a surface danger zone of an accidental discharge.

Ms. O'Meara expressed concern that anyone could claim an accidental discharge. The committee agreed to have staff work on the definition.

The committee moved to the license process section, which has been completely reorganized but with almost all the same text as the current ordinance. Councilor Ray asked about fees. The current ordinance specifies that there will be no fee, but fees are usually covered in the fee schedule periodically adopted by the Town Council. The committee decided to delete the existing fee reference. They also want to preserve the provision that requires the applicant to pay for expert review when needed.

The committee discussed how the Town Council would handle the permit review. The draft is based on the Firing Range Committee process, which doesn't work well with the Town Council process. The Ordinance Committee agreed that the Police Chief would receive the application and perform the review. The Chief would then provide a recommendation to the Town Council, which will hold a public hearing before taking a vote on the license. The Chief's report would include a summary of complaints and it was agreed that the summary would be for complaints germane to the shooting range function.

The committee discussed a 3-5 year license term. The gun club recommends that the town remind them that the license will expire, but the Chief recommended against that. There is no permit or license the town administers where the town reminds the holder of deadlines. Ms. O'Meara pointed out that the proposed changes include a written notification that the license has been issued, which could also include the expiration date, and this would aid applicants in keeping track of the deadline. After discussion, including suggestion of a grace period, the committee agreed that the deadline is a deadline. If the license expires, the club should shut down.

With a hard deadline, Councilor Ray asked if a longer period, say 4 rather than 3 years, would be ok for the license. Councilor Jordan suggested that a longer license period would be easier to lose track of, so 3 years was agreed to for now.

The committee agreed to an explicit and streamlined renewal process. To renew, the applicant would need to submit a written request prior to the expiration date and assert that there had been no material changes to the plan. The committee wants the renewal process prominently identified in the ordinance. The committee asked if all the ranges were included in the license issued to the Spurwink Rod and Gun Club? Staff will confirm what was approved.

The committee discussed the noise information to be submitted. They agreed that information on the type of weapons used should be a separate submission requirement. Noise contours was deleted from the submission list because there was a question about

what they are during the review process. Decibel level information will still be required. Councilor Jordan clarified that if new weapons are used, the license must be amended.

In reviewing the enforcement provision, it was noted that complaints have been added to this section. The Police Chief requested that complaints should be in writing whenever possible.

Next meeting

The committee agreed to review a revised draft at the April 4th meeting, and requested comments from the town attorney on the draft for that meeting. The committee will also try to restart the conversation on the marijuana regulations at the April 4th meeting.

Public Comment

Doris Bauman, 56 Cross Hill Rd - She wants to emphasize that the size of the gun impacts noise and safety. Safety is not just the facilities, but also how the gun club is operated. She supports an annual inspection, which should include a review of operations.

Tammy Walters, President, Spurwink Rod and Gun Club - If the gun club needs to reapply for a license, she will probably put a sign up to remind members of the deadline. If the Town can inform short term rental owners of a deadline, then the gun club should get a notification. A written notification should state that the gun club can be shut down.

Cathy Kline, 66 Cross Hill Rd - Moving forward, safety issues are a priority. Ammunition and weapons should be part of the relicensing. At the last Town Council meeting, it was stated that all types of ammunition will be used. We should oversee that what is used is consistent with the safety report. We have come a long way together.

Eric Stephanus, 2 Tiger Lily Ln - Rick LaRosa noted that heavier calibers shouldn't be used, and he is concerned with the statement at the Town Council meeting that all calibers will be used. The gun club is a volunteer organization but it does have a slate of officers and if they are responsible for monitoring weapons, they should not forget to renew a license.

Ed Nadeau, 9 Appletree Ln - He said the LaRosa report said the baffle system has structural limits and caliber matters.

Mark Mayone, Spurwink Rod and Gun Club - He clarified his statement at the Town Council meeting was meant to mean the calibers used are the ones included in the license application. He emphasized that LD 1500 gives the gun club latitude and the

club has chosen to stick to their commitment to a "No blue sky" design. The hatred from the neighborhood has not been productive. Safety and sound are both important.

Ed Nadeau, 9 Appletree Ln - He apologized for the hostile correspondence coming from the neighborhood but one person has moved away. The current group wants to be good neighbors. He understands the frustration and wants to go forward with a peaceful and civilized discussion.

Councilor Grennon thanked everyone, and supports working together. The committee adjourned at 3:15 p.m.